

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRIS HAROLD CAVE,

Plaintiff,

vs.

JPM CHASE BANK INVESTMENTS
 DIVISION, *et al.*,

Defendants.

Case No. 2:16-cv-01806-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Petition to R-12(f) Strike Attorney-Hearsay per Perjured Plain-False and Not-True Testimony, Proffered to Craft Tactical False Narratives (ECF No. 26), filed on October 18, 2016. Defendant JPMorgan Chase Bank, N.A ("JPMorgan") filed an Opposition (ECF No. 30) on November 4, 2016.

Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). The essential function of a Rule 12(f) motion is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial. *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th cir. 1993), *rev'd on other grounds*, 510 U.S. 517, 114 S. Ct. 1023. However, striking material pursuant to Rule 12(f) is considered a "drastic remedy" that is "generally disfavored." *Nevada Fair Housing Center, Inc. V. Clark County*, 565 F. Supp.2d 1178 (D. Nev. 2008). Given their disfavored status, courts often require a showing of prejudice by the moving party before granting the requested relief. *Roadhouse v. Las Vegas Metro. Police Dep't*, 290 F.R.D. 535, 543 (D. Nev. 2013). Whether to grant a motion to strike lies within the sound discretion of the district court. *Id.*

Although Courts broadly construe pleadings filed by pro se litigants, even pro se litigants must

1 comply with the Federal Rules of Civil Procedure. *See Balistreri v. Pacifica Police Dep't.*, 901 F.2d
2 696, 699 (9th Cir.1990); *see also Carter v. Comm'r of Internal Revenue*, 784 F.2d 1006, 1008 (9th Cir.
3 1986). Pro se litigants are not treated more favorably than parties with attorneys of record and are
4 expected to abide by the rules of the court in which litigation proceeds. *Carter*, 784 F.2d at 1008. Even
5 broadly construed, Plaintiff's motion fails procedurally and is not coherent. Plaintiff does not clearly
6 set forth what he is asking the Court to strike and Plaintiff does not make a showing of prejudice. Upon
7 review and consideration,

8 **IT IS HEREBY ORDERED** that Plaintiff's Petition to R-12(f) Strike Attorney-Hearsay per
9 Perjured Plain-False and Not-True Testimony, Proffered to Craft Tactical False Narratives (ECF No.
10 26) is **denied**.

11 DATED this 5th day of December, 2016.

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14 GEORGE FOLEY, JR.
15 United States Magistrate Judge
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